



18 June 2020

ADVISORY OPINION

Reference No. DPO 20-11

FOR : [REDACTED]

SUBJECT : **Request for full list of UP Diliman Employees and
Contact Information**

Dear [REDACTED]:

We write in response to your email seeking advice on the [REDACTED] [REDACTED] ([REDACTED]) request to be provided with data from the [REDACTED]. This is in relation to the [REDACTED] ([REDACTED]), a project that will be conducted in the [REDACTED].

We gather that the [REDACTED] aims to provide free comprehensive outpatient benefits for UP Diliman employees, faculty, contractual staff, and their dependents. We likewise gather that the purpose of the project is to evaluate patient utilization and the overall impact of the [REDACTED] to the UP community.

A perusal of the attached documents reveal that the request for the employee information (name, designation, and all available contact information) is being made in light of the situation to allow the group to conduct the study remotely.

The Data Privacy Act of 2012 allows the lawful processing (including the collection and disclosure) of personal information provided it is in line with the data privacy principles: **Legitimate Purpose, Proportionality, and Transparency**. In this case, the UP Diliman Data Protection Office wishes to highlight the principle of processing pursuant to a legitimate purpose and the principle of proportionality.

Processing with a Legitimate Purpose

The principle of processing personal data with a legitimate purpose requires that the processing of personal information must be in line with its declared and

specified purpose. Moreover, it should not be contrary to law, morals, and public policy.¹

Proportionality

Under the data privacy principle of proportionality, the collection and processing of data must be adequate, relevant, necessary and not excessive to its declared purpose. Moreover, personal data shall only be processed only if the purpose could not be reasonable fulfilled by other means.² Thus, the gathering of data beyond the purpose of the study amounts to a violation of this principle.³

Request for Employee Information

The Office opines that it is necessary to re-assess whether the information (name, designation, and all available contact information) being collected by the group are in indeed consonance with the study's declared purpose, and are *absolutely suitable and necessary* to achieve their aim of evaluating the employee utilization of outpatient care benefits.

From a data privacy perspective, it may be asked, "If certain employee information will not be provided by the [REDACTED], will it hamper the outcome of the study?" If the answer is in the negative, then there is no need to disclose the information. Requesting for certain employee information for the purposes of [REDACTED] evaluation may not only be unnecessary (e.g., name and designation), but also excessive (e.g., home addresses).

We acknowledge the commendable reason behind the study, however, we also wish to note that UP Diliman, as a Personal Information Controller, is allowed to seek further clarification from the proponents of the [REDACTED] as to the purpose of their studies, to determine whether the requested information is absolutely necessary to their objective.⁴ It must be emphasized that *only the adequate, relevant, suitable, and necessary information in relation to the declared purpose should be processed*.

Agreement to Ensure the Protection and Privacy of Data

Based on the attached documents in your email, the [REDACTED] is a study being piloted by the [REDACTED], in cooperation with other agencies such as PhilHealth, [REDACTED], [REDACTED], and the Philippine Council for Health Research and Development.

¹ National Privacy Commission Privacy Tool Kit, 3rd ed.

² National Privacy Commission Advisory Opinion No. 2019-030, 1 August 2019

³ National Privacy Commission Advisory Opinion No. 2019-018, 11 March 2019

⁴ See Note 2

Thus, the Office deems it proper to have a data sharing agreement with the proponents of [REDACTED]. This will ensure that sufficient safeguards will be in place for data privacy, security, and the protection of the rights of the data subjects. In this regard, the Office will gladly provide you with a format for the Data Sharing Agreement that may be accomplished by the parties.

We hope to have guided you on the matter.

Thank you.

(Sgd.) Elson B. Manahan
Data Protection Officer

(Sgd.) Regine Estillo
Data Privacy Legal Officer